

PTO/SB/21 (08-03)

Approved as through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

		Application Number	08/573,569
		Filing Date	December 14, 1995
		First Named Inventor	Husein F. MAASAB
		Art Unit	1648
		Examiner Name	Parkin, Jeffrey S.
Total Number of Pages in This Submission	16	Attorney Docket Number	JM 2002.01

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Copy of Notice of Abandonment, Copy of Response to Office Action as filed on July 14, 2004 and Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	Bingham McCutchen LLP Antoinette F. Konski
Signature	
Date	Oct. 13, 2004

CERTIFICATE OF MAILING

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Typed or printed name	Peggy Nichols		
Signature		Date	October 13, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. UM 2002.01

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Signature: Peggy Nichols Name: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hunein F. MAASAB, et al.	Examiner:	Parkin, Jeffrey S.
Filing Date:	December 14, 1995	Art Unit:	1648
Serial No.:	08/573,569	Confirmation No.	5671
Title:	COLD-ADAPTED INFLUENZA VIRUS		

**PETITION REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. § 1.8(b)**

Commissioner for Patents
Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

On September 21, 2004, a Notice of Abandonment was issued by the U.S. Patent and Trademark Office in connection with the above-identified application. The ground for abandonment was Applicants' alleged failure to timely respond to the Office Action issued on January 14, 2004. Enclosed is a copy of this Notice.

The Notice was issued in error and therefore, Applicants respectfully request withdrawal of the holding of abandonment and request that the application be returned to active status. On July 14, 2004 a response to the Office Action along with a Petition for a Three Month Extension of time was filed via U.S. mail. Further to 37 C.F.R. § 1.8(b)(2), enclosed is a complete copy of the response as filed and a copy of the U.S. Patent Office stamped postcard confirming receipt by the U.S. Patent Office mailroom of the reply on July 19, 2004. A personal statement pursuant to 37 C.F.R. § 1.8(b)(3) is not enclosed since the U.S. Patent Office mailroom stamp establishes receipt of these documents by the U.S. Patent Office.

No fee is considered necessary in connection with the filing of this Communication. However, Applicants' undersigned attorney authorizes the Commissioner to charge other fees which may be considered necessary by the Commissioner in connection with the filing of these documents to Deposit Account No. 50-2518, referencing billing number 7009813001.

If a telephone interview would advance examination of the application, the Office is invited to telephone the undersigned attorney at the number provided below.

Respectfully submitted,

Date: Oct. 13, 2004


Antoinette F. Konski
Reg. No. 34,202

Bingham McCutchen LLP
Formerly McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111
Telephone: (650) 849-4950
Telefax: (650) 849-4800

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

10

Application Number

08/573,569

Filing Date

December 14, 1995

First Named Inventor

Hunein F. Maassab

Art Unit

1648

Examiner Name

J. Parkin

Attorney Docket Number

UM 2002.01

ENCLOSURES (check all that apply)

Fee Transmittal Form

Fee Attached

Amendment / Reply

After Final

Affidavits/declaration(s)

Extension of Time Request

Express Abandonment Request

Information Disclosure Statement

Certified Copy of Priority Document(s)

Response to Missing Parts/ Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)

Licensing-related Papers

Petition

Petition to Convert to a Provisional Application

Power of Attorney, Revocation Change of Correspondence Address

Terminal Disclaimer

Request for Refund

CD, Number of CD(s)

After Allowance Communication to Group

Appeal Communication to Board of Appeals and Interferences

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

Proprietary Information

Status Letter

Other Enclosure(s)
(please identify below)

Return Receipt Postcard

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Bingham McCutchen LLP
Antoinette F. Konrad

Signature

Date

CERTIFICATE OF MAILING

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Typed or printed name

Peggy Nichols

Signature

Date

July 14, 2004

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (S) 583

Application Number	08/572
Filing Date	December 14, 1995
First Named Inventor	Husain F. Maassab
Examiner Name	J. Parkin
Art Unit	1848
Attorney Docket No.	UM 2002.01

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Other None
Order

Deposit Account:

Deposit Account Number 50-2518

Deposit Account Name Bingham McCutchen LLP

The Director is authorized to (check all that apply):

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION
1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (S)	Fee Code (S)		
1001 770	2001 366	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 60	Provisional filing fee	

SUBTOTAL (1) (S) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20	=	B	X	18	=	108
Independent Claims	2	-3	=	D		=	0
Multiple Dependent				X		=	0

Large Entity Small Entity

Fee Code (S)	Fee Code (S)	Fee Description	Fee Paid
1202 16	2202 8	Claims in excess of 20	
1201 66	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid ** Relates independent claims over original patent.	
1204 88	2204 43	** Relates claims in excess of 20 and over original patent	
1205 18	2205 8		

SUBTOTAL (2) (S) 108

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)
3. ADDITIONAL FEES

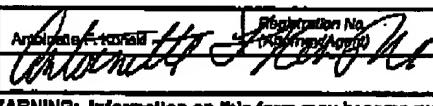
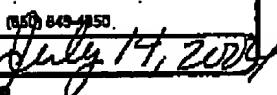
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (S)	Fee Code (S)		
1051 130	2051 55	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 150	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for reexamination	
1804 820*	1804 820*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 650	2253 675	Extension for reply within third month	475
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or release)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17 (d)	
1808 180	1808 180	Submission of Information Disclosure Statement	
8021 40	8021 40	Recording each patent assignment per property (list number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 5 1.120(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 5 1.128(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (S) 475

SUBMITTED BY

Name (Print/Type)	Ambassador - Ronald	Registration No. 4,202,000	Complete (if applicable)
Signature			
Date			

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If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-3759) and select option 2.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 583)

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Other None
Order

Deposit Account:

Deposit
Account
Number

50-2518

DUPLICATE COPY

FOR FEE PROCESSING

Bingham McCutchen LLP

The Director is authorized to (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION
1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description			Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 630	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1)		(\$ 0)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20**	Extra Claims	Fee from below	Fee Paid
Independent Claims	2	-3 **	0	0
Multiple Dependent				

Large Entity	Small Entity	Fee Description			
Fee Code (\$)	Fee Code (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
1202 18	2202 9	Claims in excess of 20			
1201 66	2201 43	Independent claims in excess of 3			
1203 250	2203 145	Multiple dependent claim, if not paid			
1204 96	2204 43	** Reissue independent claims over original patent			
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2)		(\$ 106)			

*or number previously paid, if greater; For Reissues, see above.

Complete If Known	
Application Number	08/574...
Filing Date	December 14, 1995
First Named Inventor	Hunelin F. Maasab
Examiner Name	J. Parkin
Art Unit	1848
Attorney Docket No.	UM 2002.01

FEE CALCULATION (continued)
3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description			Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)
1051 190	2051 65	Surcharge - late filing fee or oath			
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet			
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1612 2,520	1612 2,520	For filing a request for reexamination			
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action			
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1251 110	2251 35	Extension for reply within first month			
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1255 2,010	2255 1,005	Extension for reply within fifth month			
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1460 130	1460 130	Petitions to the Commissioner			
1807 50	1807 50	Processing fee under 37 CFR 1.17 (e)			
1808 180	1808 180	Submission of Information Disclosure Stmt			
8021 40	8021 40	Recording each patent assignment per property (times number of properties)			
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.128(b))			
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.128(b))			
1801 770	2801 385	Request for Continued Examination (RCE)			
1802 900	1802 900	Request for expedited examination of a design application			
Other fee (specify) _____					
Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$ 476)

*or number previously paid, if greater; For Reissues, see above.

SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone	Complete if applicable
<i>Ronald J. Bingham</i>		84,202	(650) 849-4950
Signature		Date	<i>July 17, 2005</i>

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Express Mail No.	EV 313 811 249 US	Due Date:	July 14, 2004
Date Delivered	October 13, 2004	Docket No./ Billing No.:	UM 2002.01 2023980-7009813001 afk/pn

Applicant(s): Hunein F. Maasab, et al.
Title: Cold-Adapted Influenza Virus
Serial No.: 08/573,569

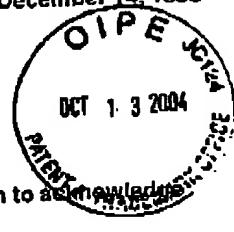
Filing Date: December 14, 1995

Mail Stop Petitions

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:
Please place the U.S. Patent and Trademark Office date stamp hereon to acknowledge receipt of the following:

1. Transmittal Form (1 pg);
2. Petition to Withdraw Holding of Abandonment No Fee Required Pursuant to CFR § 1.181 (2 pgs);
3. Complete Copy of Amendment and Response to Office Action dated July 14, 2004 (11pgs);
4. Copy of Notice of Abandonment (2 pgs) and
5. Return Postcard



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